

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Zajakowski Uhl	Team: Squad #10	CCRB Case #: 201903797	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/30/2019 12:20 PM	Location of Incident: § 87(2)(b)	Precinct: 61	18 Mo. SOL 10/30/2020	EO SOL 6/16/2021	
Date/Time CV Reported Fri, 05/03/2019 1:33 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/03/2019 1:33 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			E S U
2. POM Ruben Jasmin	00678	941950	061 PCT
3. POM Steven Giannopoulos	12184	930212	061 PCT
4. SGT Donald Louis	03581	931795	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Giannopoulos	Abuse: Police Officer Steven Giannopoulos entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Ruben Jasmin	Abuse: Police Officer Ruben Jasmin entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Steven Giannopoulos	Abuse: Police Officer Steven Giannopoulos threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
D. Officers	Abuse: Officers damaged § 87(2)(b)'s property.	§ 87(2)(b)
E.SGT Donald Louis	Abuse: Sergeant Donald Louis entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F.SGT Donald Louis	Abuse: Sergeant Donald Louis forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On May 3, 2019 § 87(2)(b) filed the following complaint with the CCRB over the phone, where it received CCRB complaint # 201903797. This case was originally assigned to Inv. Corwin and was reassigned to Inv. Zajakowski-Uhl on March 4, 2020.

On April 30, 2019 at around 12:20 p.m., social worker § 87(2)(b) called 911 to request entrance to § 87(2)(b)'s apartment at § 87(2)(b) to obtain medical attention for her client, § 87(2)(b)'s adult son, § 87(2)(b). A second unknown social worker was also present. PO Giannopoulos and PO Jasmin from the 61st Precinct responded to the location. PO Giannopoulos and PO Jasmin spoke to § 87(2)(b) through her door, but she refused to let the officers in. PO Giannopoulos informed § 87(2)(b) that if she did not open the door, they would have to break it down (**Allegation A: Abuse of Authority: threat to damage property, § 87(2)(g)**). § 87(2)(b) then opened the door with the chain locked and PO Giannopoulos stuck his foot in the door to prevent her from closing it (**Allegation B: Abuse of Authority: Entry of Premises, § 87(2)(g)**). PO Giannopoulos and PO Jasmin then stuck their ASPs in the door attempting to open it and preventing it from closing (also **Allegation B and Allegation C: Abuse of Authority: Entry of Premises, § 87(2)(g)**). Sgt. Donald Louis then arrived on scene along with ESU officers. Sgt. Louis requested that ESU assist officers by forcibly entering the apartment. ESU then clipped the chain lock of the door and entered the apartment (**Allegation D: Abuse of Authority, Property damaged, § 87(2)(g)** and **Allegation E: Abuse of Authority: Entry of Premises, § 87(2)(g)**). Officers, EMTs, and § 87(2)(b) then entered § 87(2)(b)'s apartment (within **Allegations B, C, and E**). § 87(2)(b) recommended to EMTs that § 87(2)(b) be transported to the hospital and officers escorted him and § 87(2)(b) to § 87(2)(b) in Brooklyn (**Allegation F: Abuse of Authority, forcible removal to hospital, § 87(2)(g)**).

The investigation received BWC from Sgt. Louis, PO Giannopoulos, and PO Jasmin from this incident (**Board Reviews 1, 2, 3, 4, and 5. Board Review 6 for summaries**)

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Steven Giannopoulos entered § 87(2)(b) in Brooklyn.

Allegation B: Abuse of Authority: Police Officer Ruben Jasmin entered § 87(2)(b) in Brooklyn.

Allegation C: Abuse of Authority: Police Officer Steven Giannopoulos threatened to damage § 87(2)(b)'s property.

Allegation D: Abuse of Authority: Officers damaged § 87(2)(b)'s property.

Allegation E: Abuse of Authority: Sergeant Donald Louis entered § 87(2)(b) in Brooklyn.

Allegation F: Abuse of Authority: Sergeant Donald Louis forcibly removed § 87(2)(b) to the hospital.

It was undisputed that § 87(2)(b) was § 87(2)(b)'s social worker and had previously come to § 87(2)(b)'s apartment to check on his health. It was undisputed that § 87(2)(b) had previously left documentation for § 87(2)(b) during her visits and told § 87(2)(b) she had a court order to check on § 87(2)(b)'s health. It was also undisputed that § 87(2)(b) called the police during this incident, after § 87(2)(b) refused to let her inside to check on § 87(2)(b) and told officers that her organization was § 87(2)(b)'s legal guardian. Finally, it was undisputed that officers prevented § 87(2)(b) from closing her door, threatened to break the door down if she did not let that in, and subsequently forced the door open, entered the apartment, and removed § 87(2)(b) to the hospital.

In her 911 § 87(2)(b) identifies herself as a social worker with § 87(2)(b) and states that the agency is § 87(2)(b)'s legal guardian. She requests police and EMS assistance to get into § 87(2)(b)'s apartment and check § 87(2)(b)'s health. § 87(2)(b) explains that § 87(2)(b) was also in the apartment and had been violent in the past, but was in her 90s and frail (**Board Review 07**).

§ 87(2)(b) did not believe § 87(2)(b) currently had a legal guardian. § 87(2)(b) (**Board Review 8, 9, and 10**) consistently stated that a few minutes after refusing to let § 87(2)(b) and the other social worker into her apartment, § 87(2)(b) heard banging on the door and officers shouting to open the door. § 87(2)(b) opened her door with the chain and spoke to PO Giannapoulos who put his foot in the doorway, preventing her from fully closing the door. § 87(2)(b) told him repeatedly to get his foot out of the door, but he did not listen.

§ 87(2)(b) then heard drilling at the door, followed by the chain lock breaking. The woodwork of the door was also damaged and officers then entered the apartment. § 87(2)(b) was unsure whether the social workers or EMTs also entered the apartment, but no one spoke with or evaluated § 87(2)(b). The officers told § 87(2)(b) that they were going to take § 87(2)(b) to the hospital. § 87(2)(b) did not feel § 87(2)(b) needed to go to the hospital, but told § 87(2)(b) that they would cooperate with going. § 87(2)(b) and § 87(2)(b) then left with the officers and EMTs willingly and was taken to § 87(2)(b) for a medical evaluation.

§ 87(2)(b) spoke briefly to the investigation during § 87(2)(b)'s phone statement. His statement was generally consistent with § 87(2)(b) (**Board Review 9**).

§ 87(2)(b) were not available to the investigation.

Staff at § 87(2)(b) confirmed that they had documentation of this incident, but ultimately did not comply with providing these documents. § 87(2)(b) staff also confirmed that § 87(2)(b) ended her employment with the organization after this incident.

At the beginning of PO Giannapoulos first BWC video (1 of 3) (**Board Review 1**), § 87(2)(b) can be seen entering the building with PO Giannapoulos and PO Jasmin as she and the officers approach § 87(2)(b)'s door. PO Giannapoulos knocks on the door and asks § 87(2)(b) to open the door. At 06:10, § 87(2)(b) can be heard saying off camera, "§ 87(2)(b) is his guardian. I'm a social worker for § 87(2)(b). She explains that § 87(2)(b) needs to go to the hospital "because there are concerns as far as him eating, I don't know if he's eating well." PO Giannapoulos knocks on § 87(2)(b)'s door, and § 87(2)(b) continues, "She's mentioned that he has something wrong with his prostate, so I need to follow up and make sure that's ok."

§ 87(2)(b) speaks to the officers through a crack in the door held by a chain, but refuses to let them inside. At 07:45 PO Giannapoulos says, "If you don't open the door, we're going to have to take down the door." § 87(2)(b) cracks the door open at 11:16 with the chain locked and continues to speak to PO Giannapoulos. Throughout the rest of the video, § 87(2)(b) repeatedly asks PO Giannapoulos to get his foot out of the door and appears to be prevented from closing the door.

Between 17:10 and 23:00 PO Giannapoulos and PO Jasmin put their ASPs in the door to keep it open and PO Jasmin attempts to undo the chain with his ASP, but is prevented by § 87(2)(b). At 22:55 § 87(2)(b) comes to the door again and explains to § 87(2)(b) that a court order gave JASA legal guardianship over § 87(2)(b) as of January 17, 2019. § 87(2)(b) says that she needs to check whether § 87(2)(b) has adequate food and have him evaluated by a doctor.

In PO Giannapoulos' third body-cam video (3 of 3) (**Board Review 3**), officers can be seen already entering § 87(2)(b)'s apartment. They successfully persuade § 87(2)(b) and § 87(2)(b) to go to the hospital. The moment of entry by ESU is not shown on any of the BWC received from the NYPD as Sgt. Louis instructs all parties to wait in a stairwell during the entry.

PO Jasmin's BWC video was generally consistent with PO Giannapoulos (**Board Review 4**).

PO Giannapoulos's statement (**Board Review 11**) was generally consistent with § 87(2)(b)'s statement and his BWC footage. PO Giannapoulos added that when he arrived on scene, § 87(2)(b) identified herself as § 87(2)(b)'s social worker and showed identification confirming this. PO Giannapoulos did not recall whether § 87(2)(b) showed any court documents or mentioned being § 87(2)(b)'s legal guardian, but said she needed to check on him due to a medical issue. PO Giannapoulos did not personally witness ESU at § 87(2)(b)'s door, but he believed they just clipped the chain lock because he did not observe any damage to the actual door. PO Giannapoulos said that after officers entered the apartment, § 87(2)(b) and § 87(2)(b) did not initially want § 87(2)(b) to go to the hospital, but eventually agreed to let him go. The decision to remove § 87(2)(b) to the hospital was ultimately made by § 87(2)(b) and Sgt. Louis.

The AIDED report for this incident notes that following a wellness check on § 87(2)(b) he was transported to the hospital by EMT Doyle on the advice of his social worker, § 87(2)(b) (**Board Review 12**).

Allegations E and F were pleaded against Sgt. Louis as he was the supervisor on scene when ESU officers arrived to facilitate the forcible entry of § 87(2)(b)'s apartment and when a decision was made to transport § 87(2)(b) to the hospital.

It was undisputed that § 87(2)(b) showed identification that she was a social worker and identified her organization as § 87(2)(b)'s legal guardian to officers. It was further undisputed that officers forcibly entered § 87(2)(b)'s apartment and removed § 87(2)(b) to the hospital on § 87(2)(b)'s recommendation. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 216-01 says that officers must cooperate with medical personnel in every reasonable manner (**Board Review 13**).

In People v. Rodriguez, 77 A.D. 3d 280 (2010), the court found that officers were permitted to make a warrantless entry of a premises when the officers reasonably believed that there was an emergency which required immediate assistance for the protection of life or property, and that there was a reasonable basis to associate the premises with the emergency at hand (**Board Review 14**).

§ 87(2)(g)

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- This was § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (**Board Review 15 and 16**).
- PO Giannopoulos has been a member of the NYPD for 17 years and this is the second case to which he has been a party. PO Giannopoulos has no substantiated allegations and § 87(2)(g) § 87(4-b), § 87(2)(g)
- PO Jasmin has been a member of the NYPD for 13 years and this is the first CCRB complaint to which he has been party.
- Sgt. Louis has been a member of the NYPD for 17 years and has been a party to five additional cases. Sgt. Louis has no substantiated allegations § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- A FOIL request has been sent to the Office of the Comptroller for any Notices of Claim pertaining to this incident and will be added to the case file upon receipt.
- An OCA search for § 87(2)(b) showed that she had no convictions within the state of New York (**Board Review 17**).
- § 87(2)(b)

Squad No.: 10

Investigator: Michael Z-Uhll Inv. Z-Uhll 5/7/2020
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 5/7/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date